

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
At CHATTANOOGA

UNITED STATES OF AMERICA	)	
	)	Case No. 1:18-cr-84
v.	)	
	)	Judge Mattice
RANDALL SCOTT ABERNATHY	)	
STEWART MITCHELL	)	
ROSCOE TILLMAN ESSEX	)	

**ENDS OF JUSTICE SCHEDULING ORDER**

Defendant Randall Scott Abernathy, by and through his counsel, has moved to continue the deadlines previously set in this matter. Defendant's counsel requests additional time to prepare the defense, to communicate with Defendant, and to review the discovery. The Government does not oppose the motion.

The Court finds that the ends of justice served by permitting this time outweigh the best interests of the Defendant and the public in a speedy trial because failure to grant such time would deny Defendant's attorney the reasonable time necessary for effective preparation, taking into consideration the attorney's due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv).

Further, pursuant to 18 U.S.C. § 3161(h)(7), a reasonable period of delay is also allowed when a defendant is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted. No motion for severance has been filed or granted in this matter. Accordingly, Defendant's Unopposed Motion to Continue Deadlines [Doc. 37] is **GRANTED**, and the following new trial schedule is **ORDERED** for Defendants Randall Scott Abernathy, Stewart Mitchell and Roscoe Tillman Essex.

1. All motions shall be filed in this cause no later than **Tuesday, September 18, 2018**. Any motion that requires the resolution of an issue of law must be accompanied by a supporting memorandum. E.D.TN. LR 7.1. Without such a memorandum, the motion will not be considered by the Court. If either party desires a *Daubert* hearing regarding expert testimony, that party shall notify the Court by Tuesday, **September 18, 2018**.

2. Plea Bargaining shall be concluded by **Tuesday, October 2, 2018**, and any written agreement shall be executed by said date.

3, All requests for jury instructions shall be submitted no later than **Monday, October 8, 2018**. A copy of the prepared jury instructions should be sent as an electronic mail attachment in WordPerfect format to [mattice\\_chambers@tned.uscourts.gov](mailto:mattice_chambers@tned.uscourts.gov).

4. A final pretrial conference shall be held before the United States District Judge at **3:00 p.m. on Tuesday, October 9, 2018 in Chattanooga, Tennessee**. Prior to the pretrial conference, the parties shall familiarize themselves with the Rules regarding the Jury Evidence Recording System (JERS) *available at* [www.tned.uscourts.gov/jers.php](http://www.tned.uscourts.gov/jers.php). The parties shall disclose to one another and to the Court the technology they intend to use in the courtroom during the trial and how they intend to use it (e.g., display equipment, data storage, retrieval, or presentation devices). This disclosure shall list (1) the equipment the parties intend to bring into the courtroom to use and (2) the equipment supplied by the Court the parties intend to use. Further, the parties shall disclose to one another the content of their electronic or digital materials

by the time of the final pretrial conference, and shall confirm the compatibility/viability of their planned use of technology with the Court's equipment by the final pretrial conference. General information regarding equipment supplied by the Court is available on the Eastern District of Tennessee website ([www.tned.uscourts.gov](http://www.tned.uscourts.gov)). Specific questions about Court-supplied equipment should be directed to the courtroom deputy (directory available on website).

5. The trial of this case will be held before the United States District Judge and a twelve-person jury beginning on **Tuesday, October 16, 2018** in Chattanooga, Tennessee. Counsel shall be prepared to commence trial at 9:00 a.m. on the date which has been assigned. If this case is not heard immediately, it will be held in line until the following day or any time during the week of the scheduled trial date.

SO ORDERED this 29<sup>th</sup> day of August, 2018.

/s/ Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE